

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY HOUSING AUTHORITY

NOVEMBER 16, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:30 P.M.
REGULAR MEETING – 6:00 P.M.***

CLOSED SESSION CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:34 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Spriggs, King
Councilmembers absent:	Bragg
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY KING, SECOND BY BILBRAY, TO ADJOURN TO CLOSED SESSION UNDER:

1. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Significant exposure to litigation pursuant to Govt. Code section 54956.9 (b)(3)(A) (1 case)

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

- a. Property: 735 Palm Ave., Imperial Beach, CA 91932, APN 626-250-03
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Sudberry Properties, Inc.
Under Negotiation: Instruction to Negotiator will concern price and terms of payment
- b. Property: 741 Palm Ave., Imperial Beach, CA 91932, APN 626-250-04
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Sudberry Properties, Inc.
Under Negotiation: Instruction to Negotiator will concern price and terms of payment
- c. Property: 761-779 Palm Ave., Imperial Beach, CA 91932, APN 626-250-05
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Sudberry Properties, Inc.
Under Negotiation: Instruction to Negotiator will concern price and terms of payment
- d. Property: 739 & 743 8th Street and 801-849 Palm Ave., Imperial Beach, CA 91932, APN 626-250-06
Agency Negotiator: City Manager and City Attorney
Negotiating Parties: Sudberry Properties, Inc.
Under Negotiation: Instruction to Negotiator will concern price and terms of payment

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

MAYOR JANNEY adjourned the meeting to Closed Session at 5:35 p.m. and he reconvened the meeting to Open Session at 6:00 p.m.

Reporting out of Closed Session, City Attorney Lyon announced City Council discussed Closed Session Item 2, direction was given and no reportable action was taken. Item 1 was removed from the Closed Session agenda.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:01 p.m.

ROLL CALL BY CITY CLERK

Councilmembers present:	Spriggs, King
Councilmembers absent:	Bragg
Mayor present:	Janney
Mayor Pro Tem present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

MAYOR JANNEY announced Item No. 6.7 – RESOLUTION NO. 2011-7113 AUTHORIZING APPROVAL AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH REGARDING THE CONTRIBUTION OF \$1 MILLION OF FUNDING TOWARDS THE REGIONAL BEACH SAND PROJECT II was removed from the agenda.

MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/REPORTS ON ASSIGNMENTS AND COMMITTEES

MAYOR JANNEY thanked Councilmember King for organizing an event in Imperial Beach honoring Team Korea who represented Imperial Beach in the America's Cup - Port Cities Championship race.

COUNCILMEMBER KING spoke about the America's Cup - Port Cities Championship race and his efforts to bring Team Korea to Imperial Beach.

COUNCILMEMBER SPRIGGS stated that he had contact with Imperial Beach residents and business owners who are concerned about the recent developments concerning the end of the Sandcastle Competition. He requested a discussion on continuation of this long-standing tradition on a future City Council meeting agenda.

MAYOR PRO TEM BILBRAY reported the Sandcastle Competition issue was discussed at the November 9th Chamber of Commerce meeting and he noted that although the event was very popular, there was a lack of volunteers willing to assist with the event. He announced that the Imperial Beach Post Office is on a list to be shut down.

MAYOR JANNEY stated that he was not aware of the Post Office closure list and will discuss the issue with the City Manager. He thanked the Sandcastle volunteers for their many years of service and noted that there is a possibility that the Port of San Diego may get involved through an activation program. Port Commissioner Malcolm will address the matter under Item No. 6.2.

COMMUNICATIONS FROM CITY STAFF

None.

PUBLIC COMMENT

None.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1-2.4)

MOTION BY BILBRAY, SECOND BY KING, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.1 THRU 2.4. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: BRAGG

2.1 MINUTES.

Approved the minutes of the Regular City Council Meeting of October 5, 2011.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 79333 through 79417 with a subtotal amount of \$364,467.35 and Payroll Checks 44263 through 44291 for the pay period ending October 20, 2011 for the subtotal amount of \$154,231.12 for a total amount of \$518,698.47.

2.3 LOCAL APPOINTMENT LIST. (0460-45)

City Council approved the Local Appointments List in compliance with Government Code §54972, and designated the Imperial Beach Branch Library (the public library with the largest service population within its jurisdiction) to receive a copy of the list in compliance with Government Code §54973.

2.4 RESOLUTION NO. 2011-7114 AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF IMPERIAL BEACH AND SOUTHWESTERN COLLEGE FOR THE PURPOSE OF CONTINUING THE MARINE SAFETY SERVICE TRAINING PROGRAM. (0220-10)

Adopted resolution.

ORDINANCES – INTRODUCTION/FIRST READING/PUBLIC HEARING (3.1)

3.1 ORDINANCE NO. 2011-1123 AND RESOLUTION OF INTENTION 2011-7118 RELATING TO SECOND TIER RETIREMENT BENEFITS FOR ALL EMPLOYEE GROUPS. (0540-95)

CITY MANAGER BROWN reported the item.

MAYOR JANNEY thanked the employees for working with the City on a retirement system that is financially feasible.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7118 APPROVING THE CITY'S INTENTION TO AMEND ITS CALPERS CONTRACT IN ORDER TO ADD SECOND TIER PLANS FOR ALL EMPLOYEES. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

MAYOR JANNEY called for the first reading of the title of Ordinance No. 2011-1123.

CITY CLERK HALD read the title of Ordinance No. 2011-1123 "AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF IMPERIAL BEACH, CALIFORNIA, AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF IMPERIAL BEACH AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM."

MOTION BY KING, SECOND BY BILBRAY, TO WAIVE FURTHER READING AND DISPENSE INTRODUCTION OF ORDINANCE NO. 2011-1123 BY TITLE ONLY AND SET THE MATTER FOR ADOPTION AT THE NEXT REGULARLY SCHEDULED CITY COUNCIL MEETING. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

COUNCILMEMBER KING thanked City staff for supporting the new retirement system.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1)

5.1 AT&T MOBILITY (APPLICANT)/SILVER STRAND PLAZA, LLC (PROPERTY OWNER); ADMINISTRATIVE COASTAL PERMIT (ACP 110008), CONDITIONAL USE PERMIT (CUP 110009), DESIGN REVIEW CASE (DRC 110010), AND SITE PLAN REVIEW (SPR 110011) FOR A MODIFICATION TO AN EXISTING WIRELESS FACILITY ON THE ROOF OF A COMMERCIAL BUILDING LOCATED AT 600 PALM AVENUE (APN 625-140-14-00 AND 625-140-21-00) IN THE C-1 (GENERAL COMMERCIAL) ZONE. MF 1068. (0600-20 & 0800-50)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSOCIATE PLANNER FOLTZ gave a Power Point presentation on the item.

CITY CLERK HALD announced no public speaker slips were submitted.

MAYOR JANNEY closed the public hearing.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7115 APPROVING ADMINISTRATIVE COASTAL PERMIT (ACP 110008), CONDITIONAL USE PERMIT (CUP 110009), DESIGN REVIEW CASE (DRC 110010), AND SITE PLAN REVIEW (SPR 110011) WHICH MAKES THE NECESSARY FINDINGS AND PROVIDES CONDITIONS OF APPROVAL IN COMPLIANCE WITH LOCAL AND STATE REQUIREMENTS. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

REPORTS (6.1-6.8)

6.1 PROPOSED BOY SCOUTS OF AMERICA EAGLE PROJECT PRESENTATION. (0720-35)

PUBLIC WORKS DIRECTOR LEVIEN introduced the item.

EAGLE SCOUT CANDIDATE PARKE FUNDERBURK, gave a Power Point presentation on his proposal for the median beautification project on Imperial Beach Blvd. between California Street and Loudon Lane.

DAN MALCOLM, Port Commissioner, thanked Mr. Funderburk for his presentation and he acknowledged the rare accomplishment of attaining the rank of Eagle Scout.

City Council thanked Mr. Funderburk for his volunteerism.

COUNCENSUS OF CITY COUNCIL TO AUTHORIZE THE CITY MANAGER TO SIGN THE EAGLE PROJECT PLAN FOR MR. FUNDERBURK TO CONTINUE THE PROJECT DEVELOPMENT AND CONSTRUCTION AS APPROVED BY CITY COUNCIL AND CITY STAFF.

6.2* REPORT ON PORT DISTRICT ACTIVITIES FROM PORT COMMISSIONER MALCOLM. (0150-70)

PORT COMMISSIONER MALCOLM expressed appreciation for the years of dedicated service by Sandcastle volunteers. He reported that the Port of San Diego hired an activation expert that will look at options in Imperial Beach for such events as street fairs to jazz festivals and he stated that he would ask the expert to look at the Sandcastle event from a professional activation standpoint. The Pond 20 Memorandum of Understanding between the Port of San Diego, City of San Diego and City of Imperial Beach is pending due to internal logistical challenges at the City of San Diego with the final form of the document. He will continue to work with the City of San Diego and anticipated review by the Port Board in January. He reported on the recent modification of Board Policy 120 relating to capital improvement projects and he will support City Council's list of projects, understanding there are economic constraints with respect to the Port budget and with the economy. He announced the termination date of the Imperial Beach service contracts is up next year and he spoke about the importance of renewing those contracts at a reimbursement rate that is commensurate with the money we spend on those items. He gave an update report on sand replenishment funding noting that a resolution will be presented to the Board of Port Commissioners in December. He recognized Councilmember King for arranging an event for America's Cup Team Korea. He gave an update report on the demolition of the South Bay Power Plant and he announced the Board of Port Commissioners

will consider the Mayor of San Diego's request for \$60 million to fund the convention center expansion on November 29th.

City Council discussion ensued and made the following requests: to make the Port service contracts a top priority, that all Port cities should be considered for CIP projects and not just the City of San Diego, there should be an emphasis on the beach along Imperial Beach as a regional beach and not just a beach for the city, and to develop a cluster of marine businesses on the bay side of Imperial Beach by the Public Works yard.

6.3 SEACOAST DRIVE – ECONOMIC OPPORTUNITIES AND PROPOSED WORK PLAN. (0620-20)

MAYOR JANNEY stated that Councilmember Bragg wanted to participate in the discussion of this item but she was not able to attend tonight's meeting. He stated staff will give their presentation, take public comments and bring the item back at the next City Council meeting.

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reported on the item.

COUNCILMEMBER SPRIGGS requested visuals (sketches) showing what is possible along Seacoast Dr. with consideration to the zoning that is planned for the area. He also spoke about the need for consultants to conduct detailed analysis, create renderings, develop talking points and provide data on revenue and property values to show that it is an investable area.

BOB MILLER stressed the importance of informing the business community about the plans for Seacoast Drive and he supported the use of renderings to show what is possible for the area.

MAYOR JANNEY stated that SANDAG has an on-call service for creating visualizations. He suggested that staff work with SANDAG on the visualizations then return to City Council once the visualizations are completed.

6.4 SOLICITATION OF PROJECTS FOR THE SAN DIEGO UNIFIED PORT DISTRICT'S FISCAL YEAR 2014-2018 CAPITAL IMPROVEMENT PROGRAM. (0150-70)

CITY MANAGER BROWN introduced the item and announced that the proposed Port CIP project list was submitted as last minute agenda info.

MAYOR PRO TEM BILBRAY suggested repair to the dock at the end of the pier in order to bring sports fishing back to Imperial Beach.

COUNCILMEMBER SPRIGGS stated that before we suggest improvements to allow boats to dock on the pier, first find out if there is an interest and if it is feasible. He supported improvements to the inside of the pier restaurant as well as a larger outdoor seating area, improvements to the sidewalks and the streets to make the area walkable, landscaping, lighting, improvements at Pier Plaza and Dunes Park, and to acquire vacant/blighted/underutilized properties within the interest of the Port. He also stated that capital enhancements along Seacoast Drive should take a priority over expanding the pier.

COUNCILMEMBER KING suggested that the proposed projects be prioritized and to make sure that the proposed projects meet the Port's policies and objectives.

MAYOR JANNEY stated that he is not in support of additional parking lots on Seacoast Drive, that the tot lot equipment at Pier Plaza is inadequate and access to the Dempsey Center needs to be improved. He stressed that the proposed projects should meet the Port's objectives.

COUNCILMEMBER KING suggested staff ask the Port Commissioner to assist with extending the deadline to allow Port cities the time to explore options in more detail. He noted that there is no directional signage to the Dempsey Center nor is there a name on the building.

6.5 REQUEST FOR PROPOSALS FOR AFFORDABLE HOUSING DEVELOPMENT AT 10TH STREET & DONAX AVENUE. (0660-10)

CITY MANAGER BROWN reported the item.

MOTION BY JANNEY, SECOND BY BILBRAY, TO AUTHORIZE STAFF TO ISSUE A REQUEST FOR PROPOSALS FOR AFFORDABLE HOUSING DEVELOPMENT IN IMPERIAL BEACH AT THE 10TH STREET AND DONAX AVENUE SITE. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

6.6 RESOLUTION NO. 2011-7117 APPROVING A SEWAGE TRANSPORTATION AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND CITY OF IMPERIAL BEACH DATED MARCH 2011. (0620-75)

A revised staff report, revised Resolution No. 2011-7117 and revised Sewage Transportation agreement were submitted as last minute agenda information.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

MOTION BY SPRIGGS, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7117 APPROVING A SEWAGE TRANSPORTATION AGREEMENT BETWEEN THE CITY OF SAN DIEGO AND CITY OF IMPERIAL BEACH DATED NOVEMBER 2011. MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

6.7 RESOLUTION NO. 2011-7113 AUTHORIZING APPROVAL AND EXECUTION OF A MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE SAN DIEGO UNIFIED PORT DISTRICT AND THE CITY OF IMPERIAL BEACH REGARDING THE CONTRIBUTION OF \$1 MILLION OF FUNDING TOWARDS THE REGIONAL BEACH SAND PROJECT II. (0150-70 & 0220-70)

Item removed from the agenda.

6.8 RESOLUTION NO. 2011-7116 AWARDED CONTRACT FOR STREET IMPROVEMENTS, RDA, PHASE 3B PROJECT (CIP S04-108). (0720-25)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a Power Point presentation on the item.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7116 AWARDED CONTRACT FOR STREET IMPROVEMENTS, RDA, PHASE 3B PROJECT (CIP S04-108).

PUBLIC WORKS DIRECTOR LEVIEN stated a section of the infrastructure for the new poles has already been installed. He described the street lighting along Palm Ave. as follows:

- 25' poles in the Old Palm Ave. section (east of Seacoast Dr.) to accommodate both lighting for the roadway and for pedestrians
- 20' poles between Seacoast Dr. and Ocean Lane (in front of the Plank) to provide lighting for vehicles at lower speed and for pedestrians
- 15' poles west of Ocean Lane is for pedestrians

He noted that according to the electrical engineer that if 15' poles are installed down Seacoast Dr. at the pole locations as stated in the design, there will be locations with no illumination.

COUNCILMEMBER SPRIGGS spoke in support for pedestrian lighting to create and encourage a pedestrian friendly environment, which would benefit the local businesses.

MAYOR JANNEY stated he had driven up and down Old Palm Ave. at night and noticed that the street and sidewalks were well lit. He spoke in support for the current plan to continue a similar look and a feel from Old Palm Ave. and down Seacoast Drive. He was opposed to changing the street lights to pedestrian lighting.

COUNCILMEMBER KING spoke in support for moving forward with the current plans.

VOTES WERE NOW CAST ON ORIGINAL MOTION BY BILBRAY, SECOND BY KING. TO ADOPT RESOLUTION NO. 2011-7116 AWARDED CONTRACT FOR STREET IMPROVEMENTS, RDA, PHASE 3B PROJECT (CIP S04-108). MOTION CARRIED BY THE FOLLOWING VOTE:

AYES: COUNCILMEMBERS: KING, SPRIGGS, BILBRAY, JANNEY
NOES: COUNCILMEMBERS: NONE
ABSENT: COUNCILMEMBERS: BRAGG

ITEMS PULLED FROM THE CONSENT CALENDAR (IF ANY)

None.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 8:47 p.m.

/s/
James C. Janney, Mayor

/s/
Jacqueline M. Hald, MMC
City Clerk